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cp.4 UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION



1939 RANGE CONSERVATION PROGRAM BULLETIN

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Section 1.—AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

(a) **Authority.**—Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, and in connection with the effectuation of the purposes of Section 7 (a) of said Act in 1939, payments will be made for participation in the 1939 Range Conservation Program in accordance with the provisions hereof and such modifications thereof or other revisions as may hereafter be made.

(b) **Availability of funds.**—The provisions of the 1939 Agricultural Conservation Program, including the Range Conservation Program, are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation. Any increase or decrease in rates of payment made because of the extent of participation in the Range Conservation Program will not exceed 10 percent.

(c) **Applicability.**—The provisions of the 1939 Range Conservation Program contained herein, except Section 11, are not applicable to (1) Hawaii, Puerto Rico, and Alaska; (2) counties for which special range programs under said Act are approved for 1939 by the Secretary; and (3) public domain of the United States, including land owned by

the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

Sec. 2.—DEFINITIONS

For the purposes of the 1939 Range Conservation Program unless the context otherwise requires:

SECRETARY means the Secretary of Agriculture of the United States.

NORTH CENTRAL REGION means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

SOUTHERN REGION means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

WESTERN REGION means the area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

REGIONAL DIRECTOR means the director of the division of the Agricultural Adjustment Administration in charge of the Agricultural Conservation Programs and the Range Conservation Programs in the Region.

STATE COMMITTEE means the group of persons designated for any State to assist in the administration of the Agricultural Conservation Programs and the Range Conservation Programs in such State.

COUNTY COMMITTEE means the group of persons elected for any county to assist in the administration of the Agricultural Conservation Programs and the Range Conservation Programs in such county.

PERSON means an individual, partnership, association, corporation, estate, or trust, and wherever applicable a State, a political sub-division of a State, or any agency thereof.

RANGE-BUILDING PAYMENT means a payment for the carrying out of one or more approved range-building practices.

RANGE-BUILDING ALLOWANCE means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

RANCH OPERATOR means a person who as owner, cash tenant, or share tenant operates, or a person who acts in similar capacity in the operation of a ranching unit in 1939.

RANGE LAND means any land in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage grazed by range livestock, without cultivation or general irrigation. Range land shall not include public domain of the United States including lands owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

RANCHING UNIT means all range land which is used in 1939 by the ranch operator as a single unit in producing range livestock, with machinery, workstock, and labor substantially separate from that of any other range land. In order to facilitate the administration of the program the Regional Director may prescribe that for the purposes of this program tracts shall be deemed ranching units only if they contain more than the minimum acreage of range land fixed by him. A ranching unit shall be regarded as located in the county in which

its principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the ranching unit is located.

ANIMAL UNIT means one cow, one horse, five sheep, or five goats, or the equivalent thereof.

GRAZING CAPACITY OF RANGE LAND means the number of animal units which such land will sustain, on a 12-month basis, over a period of years without decreasing the stand of grass or other grazing vegetation, and without injury to the forage, tree growth, or watershed.

Sec. 3.—RATES OF RANGE-BUILDING PAYMENTS

Within the limits of the range-building allowance and subject to the conditions hereinafter set forth, payment will be made for carrying out on range land in 1939 such of the following range-building practices as are recommended for the State by the State committee and approved by the Regional Director, and as are approved by the county committee for the ranching unit prior to their institution:

RESEEDING OF RANGE LAND

Practices and Conditions of Payment	Rate of Payment
<p>(a) Natural reseeding by deferred grazing.—For withholding 25 percent of the range land in the ranching unit from grazing for the normal period from the start of forage growth to seed maturity, established by the State committee and approved by the Regional Director: <i>Provided</i>, (1) if grazing is deferred on less than 25 percent of the range land in the ranching unit, or the area deferred is normally grazed for one month or more but not all the months in the period approved for deferred grazing, a proportionate payment will be made; (2) on ranching units on which cattle or horses are grazed the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent the entry of livestock; (3) on ranching units used exclusively for grazing sheep either the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent entry of livestock or the entry of livestock on the non-grazed acreage is prevented by herding; (4) the remaining rangeland in such ranching unit is not pastured to such an extent as will decrease the stand of grass or injure the forage, tree growth, or watershed; (5) such practice shall not be applicable to range land in the ranching unit which normally is not used for grazing during the period for which payment is claimed; (6) the ranch operator has submitted to the county committee in writing the designation of the nongrazing range area of the ranching unit previous to the initiation of such practice; and (7) the ranch operator complies with such other conditions or specifications as may be established by the county committee with the approval of the State committee, where the county committee determines such additional conditions or specifications are needed in the interest of range conservation.</p>	<p>60 percent of that part of the range-building allowance which is computed under Section 4 (a); <i>Provided</i>, That if the ranch operator fails to comply with any conditions or specifications established by the county committee under subparagraph (7) of this paragraph (a) the rate shall be 40 percent of that part of the range-building allowance computed under Section 4 (a).</p>

RESEEDING OF RANGE LAND—Continued

Practices and Conditions of Payment	Rate of Payment
(b) Artificial reseeding. —For reseeding depleted range land, including mountain meadow land, with good seed of adapted varieties of range grasses, legumes or forage shrubs.	\$0.20 per pound of seed sown, but not in excess of \$2.00 per acre.
(c) Artificial sodding. —For resodding depleted range land with adapted varieties of range grasses.	\$3.00 per acre.

EROSION AND RUNOFF CONTROL

(d) Contour listing, furrowing, or subsoiling. —For listing, furrowing, or subsoiling range land, including mountain meadow land, on the contour.	\$0.50 per acre.
(e) Contour ridging. —For ridging range land on the contour.	\$0.10 per 100 linear feet.
(f) Spreader dams and terraces. —For constructing spreader dams and spreader terraces alone or in combination with each other for the diversion of surface water to prevent soil washing of range land, including mountain meadow land:	
(1) Spreader dams-----	\$0.15 per cubic yard of material moved.
(2) Spreader terraces-----	\$0.50 per 100 linear feet.

DEVELOPMENT OF STOCK WATER ON RANGE LAND

(g) Earthen tanks or reservoirs. —For constructing reservoirs or earthen tanks with spillways adequate to prevent dams from washing out, for the purpose of providing water for range livestock.	\$0.15 per cubic yard of material moved not in excess of 5,000 cubic yards, and \$0.10 per cubic yard of material moved in excess of 5,000 cubic yards for each tank or reservoir.
(h) Concrete or rubble masonry dams. —For constructing concrete or rubble masonry dams in rough or broken areas (where earthen dams or reservoirs are impracticable and where there is no possibility of using the masonry dam for irrigation), for the purpose of providing water for range livestock.	\$6.00 per cubic yard of concrete or rubble masonry.
(i) Wells:	
(1) For drilling or digging wells with casing not less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. Payment will not be made for a well developed at any ranch headquarters.	\$2.00 per linear foot.
(2) For drilling or digging wells with casing less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. An artesian well with casing less than 4 inches in diameter will qualify for payment, provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or trough. Payment will not be made for a well developed at any ranch headquarters.	\$1.00 per linear foot.

DEVELOPMENT OF STOCK WATER ON RANGE LAND—Continued

Practices and Conditions of Payment	Rate of Payment
(j) Development of natural watering places. —For developing springs or seeps for the purpose of providing water for range livestock, provided the source is protected from trampling, and at least 20 cubic feet of available water storage is provided.	\$0.30 per cubic foot in soil or gravel and \$0.50 per cubic foot in rock formation for excavation of source, provided the minimum payment will be \$20.00 and the maximum payment \$100.00 for any single development.

PLANTING AND MAINTAINING A STAND OF TREES

(k) Tree planting. —Planting of trees on range land, provided that the trees are planted in 1939 prior to November 1; that the number, kind, and age of trees planted and methods of planting and growing of such trees are in accordance with approved specifications; and that the acreage planted to trees is fenced and the fence is maintained sufficiently to prevent entry of livestock.	\$7.50 per acre.
(l) Cultivating and maintaining a stand of trees. —Cultivating, protecting, and maintaining, by replanting if necessary a full stand of at least 500 trees per acre of forest planting, or 200 trees per acre of windbreak or shelter-belt plantings planted on range land between July 1, 1935 and July 1, 1939.	\$3.00 per acre.

CONSERVATION OF RANGE LANDS THROUGH ELIMINATION OF DESTRUCTIVE PLANTS

(m) Prickly pear and cactus: (1) Light infestation----- (2) Medium infestation----- (3) Heavy infestation-----	\$0.50 per acre. \$0.75 per acre. \$1.00 per acre.
(n) Mesquite: (1) Light infestation----- (2) Medium infestation----- (3) Heavy infestation-----	\$0.50 per acre. \$1.00 per acre. \$2.00 per acre.
(o) Cedar: (1) Light infestation----- (2) Medium infestation----- (3) Heavy infestation-----	\$0.75 per acre. \$1.00 per acre. \$1.50 per acre.
(p) Lechuguilla: (1) Heavy infestation----- <i>Provided</i> , That if the county committee determines the elimination of destructive plants under any of practices (m) to (p), inclusive, will reduce the vegetative cover to such an extent as to encourage increased soil erosion, the use of practice (b), Artificial reseeding, shall also be required where soil and climatic conditions permit.	\$0.50 per acre.

FIRE GUARDS

Practices and Conditions of Payment	Rate of payment
(q) Fire guards. —For the establishment on range land of fire guards not less than 10 feet in width by plowing furrows or otherwise exposing the mineral soil. Payment will not be made if any fire guard is used in connection with controlled burning within the ranching unit.	\$0.05 per 100 linear feet.

Sec. 4.—RANGE-BUILDING ALLOWANCE

(a) **Acreage and grazing capacity.**—In Texas, Oklahoma, Kansas, Nebraska, South Dakota, and California, the range-building allowance shall be 2 cents per acre of range land in the ranching unit plus \$1.00 times the grazing capacity of the range land; and in Arizona, New Mexico, Nevada, Utah, Colorado, Washington, Oregon, Idaho, Montana, Wyoming, and North Dakota, the range-building allowance shall be 3 cents per acre of range land in the ranching unit plus 75 cents times the grazing capacity of the range land: *Provided*, however, that in either area the grazing capacity item shall not be calculated on more than one animal unit for each 10 acres of range land in the ranching unit, and the acreage item shall not be calculated on more than 60 acres for each animal unit of grazing capacity established for the ranching unit.

(b) **Mountain meadow land.**—In addition, the range-building allowance shall include 35 cents times the number of acres of mountain meadow land in the ranching unit from which hay is normally harvested for feeding on the ranching unit to range livestock owned by the operator of the ranching unit. The counties in which this additional allowance is made shall be those mountain counties in the Western Region for which, upon the basis of the recommendations of the county and State committees, the regional director determines the reseeding and erosion control practices specified in Section 3 to be necessary and effective in promoting range conservation: *Provided*, however, the mountain meadow land for which this additional allowance is made shall not be considered in calculating the portion of the range-building allowance provided for in paragraph (a).

Sec. 5.—CONDITIONS OF PAYMENT

(a) **Promotion of conservation and good range management.**—Payments for carrying out range-building practices are conditioned upon the adoption or maintenance of conservative range management practices designed to secure or maintain a good stand of grass or other palatable forage plants and in bringing about such use of the forage resources of the ranch as will most effectively carry out the purposes of the Soil Conservation and Domestic Allotment Act. Payments under the 1939 Range Conservation Program will be made only with respect to those ranching units on which the county committee certifies that such range management practices have been followed. The range-building practices approved by the county committee for any ranching unit shall be practices which the county committee finds are needed on the ranch in order to promote conservation and good range management.

(b) **Payments limited to range-building allowance.**—The range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit. Payment will be made only if range-building practices are carried out according to specifications recommended by the State committee and approved by the regional director. Payments made for carrying out range-building practices shall not be subject to the provisions of Section 9 of the 1939 Agricultural Conservation Program Bulletin.

(c) **State or Federal aid.**—No payment will be made for practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency other than the Agricultural Adjustment Administration, or for practices with respect to which a portion of the labor, seed, trees, or other materials used in carrying out such practices is furnished by a State or Federal agency other than the Agricultural Adjustment Administration, if such portion represents one-half or more of the total cost of carrying out such practices. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents less than one-half of the total cost of carrying out such practice, payment will be made for such practice at one-half of the rate specified in Section 3. *Provided*, That labor, seed, trees, and materials furnished to a State, political subdivision of a State, or any agency thereof by an agency of the same State shall not be deemed to have been furnished by "any State . . . agency" within the meaning of this paragraph. Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency. No payment will be made for the planting and protection of forest trees planted under a cooperative agreement entered into with the Forest Service in connection with the Prairie States Forestry Project.

Sec. 6.—CHANGES IN LEASING ARRANGEMENTS AND OTHER DEVICES

No payment will be made to any person who has for 1939 made any change from the 1938 leasing arrangements of range land for the purpose of, or which would have the effect of, diverting to such person any payment to which any lessee would be entitled if the 1938 leasing arrangements of such range land were in effect for 1939. If the State committee finds that any person who files an application for a payment pursuant to the provisions of the 1939 Range Conservation Program has made any change from the 1938 leasing arrangements of such range land or has employed any other scheme or device whatsoever for the purpose of, or which would have the effect of, depriving any other person of any payment or share therein to which such other person otherwise would be entitled, the Secretary may withhold in whole or in part from the person participating in such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or otherwise would be made to such person for performance in connection with the 1939 Range Conservation Program.

Sec. 7.—ELIGIBILITY FOR PAYMENT

(a) **Persons eligible to file application.**—Application for range-building payment may be made only by ranch operators. Range-building payments will be made to (1) a sole ranch operator, or (2)

each ranch operator of a group of two or more ranch operators, provided they all signify in the application for the range-building payment a percentum of the total payment to be made to each ranch operator. In case there are two or more ranch operators, the application must be made by all of them, except that in cases where any ranch operator refuses to sign the application for payment the county committee shall determine the percentage share of each ranch operator and payment of his percentage share will be made to each ranch operator applying for payment in accordance with such determination.

(b) **Time and manner of filing application and information required.**—Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment to any ranch operator who fails to file any form or furnish any information required with respect to any ranching unit in which such ranch operator is interested, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

(c) **Excess cotton acreage.**—Any person who makes application for payment with respect to any ranching unit located in a county in which cotton is planted in 1939 shall file with such application a statement that the applicant has not knowingly planted or caused to be planted during 1939 cotton on land in any farm in which he has an interest in excess of the cotton acreage allotment established for the farm for 1939 and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants cotton on his farm in 1939 on acreage in excess of the cotton acreage allotment established for the farm in 1939 shall not be eligible for any payment under the provisions of the 1939 Range Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1939 on acreage in excess of the cotton acreage allotment for the farm for 1939 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1939.

Sec. 8.—PAYMENT RESTRICTED TO EFFECTUATION OF THE PURPOSES OF THE PROGRAM

All or any part of any payment which otherwise would be made to any person under the 1939 Range Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1939 or previous range conservation programs, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if,

with respect to forest land or woodland owned or controlled by him, he adopts any practice which the regional director finds is contrary to sound conservation practices.

No payment will be made to any person if it is determined in accordance with instructions issued by the Agricultural Adjustment Administration that, with respect to any ranch which he owns or operates, the stand of grass has been decreased or the forage, tree growth or watershed has been injured by overgrazing in 1939.

Sec. 9.—PAYMENTS COMPUTED AND MADE WITHOUT REGARD TO CLAIMS

Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in Section 13), and without regard to any claim or lien against any crop or livestock, or proceeds thereof, in favor of the owner or any other creditor.

Sec. 10.—INCREASE IN SMALL PAYMENTS

The total payment computed for any person with respect to any ranching unit shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.00;
- (2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;
- (3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to 1.99-----	\$0.40	\$32.00 to 32.99-----	\$10.40
2.00 to 2.99-----	0.80	33.00 to 33.99-----	10.60
3.00 to 3.99-----	1.20	34.00 to 34.99-----	10.80
4.00 to 4.99-----	1.60	35.00 to 35.99-----	11.00
5.00 to 5.99-----	2.00	36.00 to 36.99-----	11.20
6.00 to 6.99-----	2.40	37.00 to 37.99-----	11.40
7.00 to 7.99-----	2.80	38.00 to 38.99-----	11.60
8.00 to 8.99-----	3.20	39.00 to 39.99-----	11.80
9.00 to 9.99-----	3.60	40.00 to 40.99-----	12.00
10.00 to 10.99-----	4.00	41.00 to 41.99-----	12.10
11.00 to 11.99-----	4.40	42.00 to 42.99-----	12.20
12.00 to 12.99-----	4.80	43.00 to 43.99-----	12.30
13.00 to 13.99-----	5.20	44.00 to 44.99-----	12.40
14.00 to 14.99-----	5.60	45.00 to 45.99-----	12.50
15.00 to 15.99-----	6.00	46.00 to 46.99-----	12.60
16.00 to 16.99-----	6.40	47.00 to 47.99-----	12.70
17.00 to 17.99-----	6.80	48.00 to 48.99-----	12.80
18.00 to 18.99-----	7.20	49.00 to 49.99-----	12.90
19.00 to 19.99-----	7.60	50.00 to 50.99-----	13.00
20.00 to 20.99-----	8.00	51.00 to 51.99-----	13.10
21.00 to 21.99-----	8.20	52.00 to 52.99-----	13.20
22.00 to 22.99-----	8.40	53.00 to 53.99-----	13.30
23.00 to 23.99-----	8.60	54.00 to 54.99-----	13.40
24.00 to 24.99-----	8.80	55.00 to 55.99-----	13.50
25.00 to 25.99-----	9.00	56.00 to 56.99-----	13.60
26.00 to 26.99-----	9.20	57.00 to 57.99-----	13.70
27.00 to 27.99-----	9.40	58.00 to 58.99-----	13.80
28.00 to 28.99-----	9.60	59.00 to 59.99-----	13.90
29.00 to 29.99-----	9.80	60.00 to 185.99-----	14.00
30.00 to 30.99-----	10.00	186.00 to 199.99-----	(1)
31.00 to 31.99-----	10.20	200.00 and over-----	(2)

¹ Increase to 200.00.

² No increase.

Sec. 11.—PAYMENTS LIMITED TO \$10,000

The total of all payments made in connection with programs for 1939 under Section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, Territory, or possession, shall not exceed the sum of \$10,000. The total of all payments made in connection with programs for 1939 under Section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership or estate with respect to farms, ranching units and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000.

All or any part of any payment which has been or otherwise would be made to any person under the 1939 Agricultural Conservation Program, including the Range Conservation Program, may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, or formation of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

Sec. 12.—DEDUCTIONS FOR ASSOCIATION EXPENSES

There shall be deducted pro rata from the payments with respect to any ranching unit all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the ranching unit is located.

Sec. 13.—ASSIGNMENTS

Any person who may be entitled to any payment in connection with the 1939 Range Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1939. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69 in accordance with instructions (ACP-70) issued by the Agricultural Adjustment Administration.

Nothing contained in this Section 13 shall be construed to give an assignee a right to any payment other than that to which the ranch operator is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the ranch operator without regard to the existence of any such assignment.

Sec. 14.—ESTABLISHMENT OF GRAZING CAPACITIES

There shall be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received on or before a date established by the regional director as affording reasonable opportunity for the filing of such applications. In determining grazing capacity, consideration shall be given to the following: (a) composition, palatability, and density of forage growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) presence or absence of rodents and poisonous plant infestations; and (f) number

and classes of livestock previously carried. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit established by the Agricultural Adjustment Administration on the basis of available statistics.

Sec. 15.—APPEALS

Any person may within 15 days after notice thereof is forwarded to or available to him request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters affecting any ranching unit in which he has an interest: (a) eligibility to file an application for payment, (b) grazing capacity established for the range land in such ranching unit, or (c) any other matter affecting the right to or the amount of his payment with respect to the ranching unit. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee he may, within 15 days after such decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

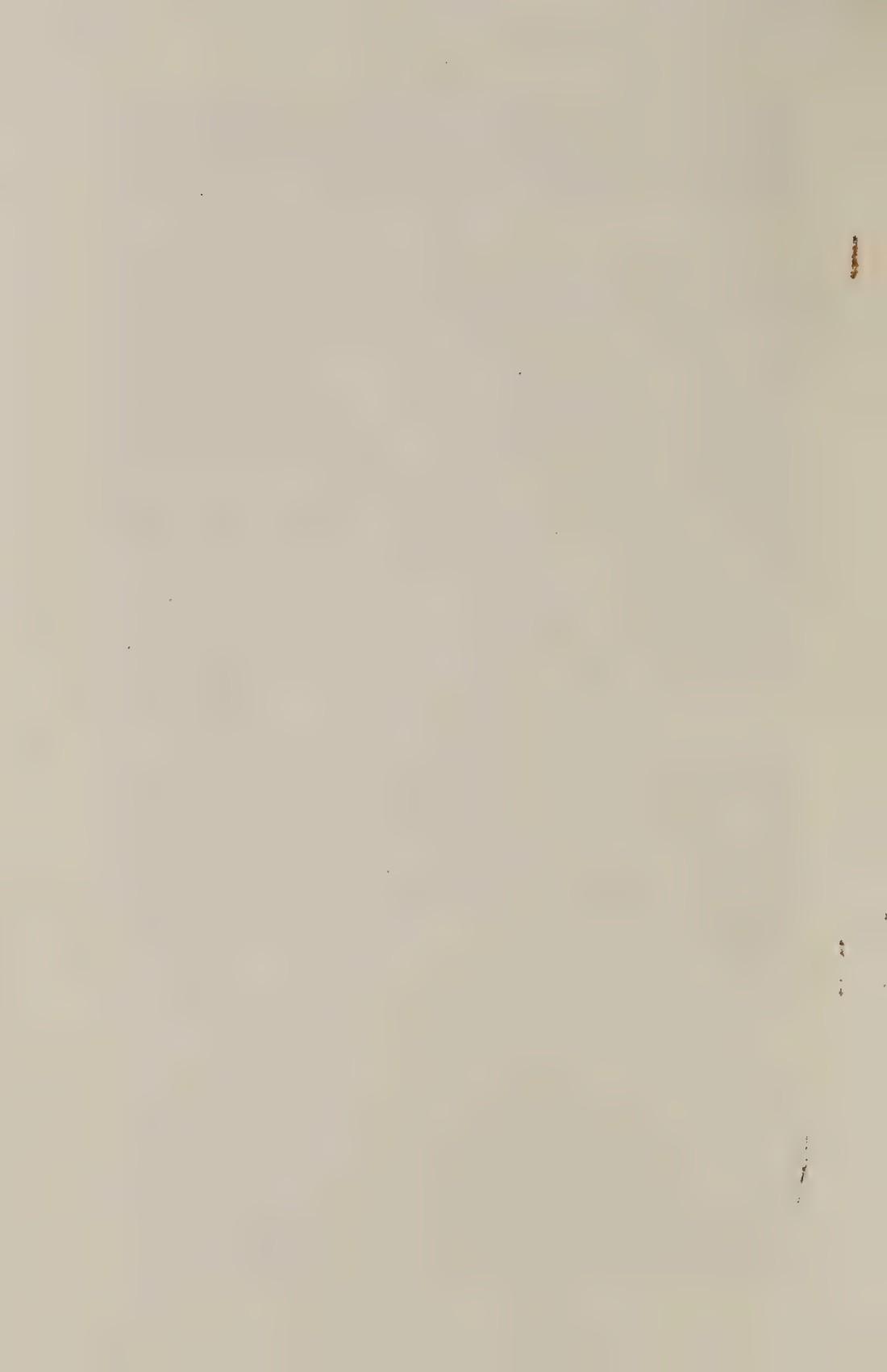
Sec. 16.—STATE AND REGIONAL BULLETINS, INSTRUCTIONS AND FORMS

The Agricultural Adjustment Administration is hereby authorized to make such determinations and to prepare and issue such State and regional bulletins, instructions, and forms as may be required pursuant to the provisions hereof in administering the 1939 Range Conservation Program.

Done at Washington, D. C. this 10th day of November, 1938. Witness my hand and the seal of the Department of Agriculture.

H. A. WALLACE,
Secretary of Agriculture.





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UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

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Sec. 1 Authority, availability of funds, and applicability.

(a) Authority. Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, and in connection with the effectuation of the purposes of Section 7 (a) of said Act in 1939, payments will be made for participation in the 1939 Range Conservation Program in accordance with the provisions hereof and such modifications thereof or other revisions as may hereafter be made.

(b) Availability of funds. The provisions of the 1939 Agricultural Conservation Program, including the Range Conservation Program, are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation. Any increase or decrease in rates of payment made because of the extent of participation in the Range Conservation Program will not exceed 10 percent.

(c) Applicability. The provisions of the 1939 Range Conservation Program contained herein, except Section 11, are not applicable to (1) Hawaii, Puerto Rico, and Alaska; (2) counties for which special range programs under said Act are approved for 1939 by the Secretary; and (3) public domain of the United States, including land owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

Sec. 2 Definitions. For the purposes of the 1939 Range Conservation Program unless the context otherwise requires:

SECRETARY means the Secretary of Agriculture of the United States.

NORTH CENTRAL REGION means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

SOUTHERN REGION means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

WESTERN REGION means the area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

REGIONAL DIRECTOR means the director of the division of the Agricultural Adjustment Administration in charge of the Agricultural Conservation Programs and the Range Conservation Programs in the Region.

STATE COMMITTEE means the group of persons designated for any State to assist in the administration of the Agricultural Conservation Programs and the Range Conservation Programs in such State.

COUNTY COMMITTEE means the group of persons elected for any county to assist in the administration of the Agricultural Conservation Programs and the Range Conservation Programs in such county.

PERSON means an individual, partnership, association, corporation, estate, or trust, and wherever applicable a State, a political sub-division of a State, or any agency thereof.

RANGE-BUILDING PAYMENT means a payment for the carrying out of one or more approved range-building practices.

RANGE-BUILDING ALLOWANCE means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

RANCH OPERATOR means a person who as owner, cash tenant, or share tenant operates, or a person who acts in similar capacity in the operation of, a ranching unit in 1939.

RANGE LAND means any land in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage grazed by range livestock, without cultivation or general irrigation. Range land shall not include public domain of the United States including lands owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

RANCHING UNIT means all range land which is used in 1939 by the ranch operator as a single unit in producing range livestock, with machinery, workstock, and labor substantially separate from that of any other range land. In order to facilitate the administration of the program the Regional Director may prescribe that for the purposes of this program tracts shall be deemed ranching units only if they contain more than the minimum acreage of range land fixed by him. A ranching unit shall be regarded as located in the county in which its principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the ranching unit is located.

ANIMAL UNIT means one cow, one horse, five sheep, or five goats, or the equivalent thereof.

GRAZING CAPACITY OF RANGE LAND means the number of animal units which such land will sustain, on a 12-month basis, over a period of years without decreasing the stand of grass or other grazing vegetation, and without injury to the forage, tree growth, or watershed.

Sec. 3 Rates or range-building payments. Within the limits of the range-building allowance and subject to the conditions hereinafter set forth, payment will be made for carrying out on range land in 1939 such of the following range-building practices as are recommended for the State by the State committee and approved by the Regional Director, and as are approved by the county committee for the ranching unit prior to their institution:

Practices and Conditions of Payment	Rate of Payment
RESEEDING OF RANGE LAND	60 percent of that part of the range-building allowance which is computed under Section 4 (a); <u>Provided</u> , That if the ranch operator fails to comply with any conditions or specifications established by the county committee under subparagraph (7) of this paragraph (a) the rate shall be 40 percent of that part of the range building allowance computed under Section 4(a)

(a) Natural reseeding by deferred grazing: For withholding 25 percent of the range land in the ranching unit from grazing for the normal period from the start of forage growth to seed maturity, established by the State committee and approved by the Regional Director: Provided, (1) if grazing is deferred on less than 25 percent of the range land in the ranching unit, or the area deferred is normally grazed for one month or more but not all the months in the period approved for deferred grazing, a proportionate payment will be made; (2) on ranching units on which cattle or horses are grazed the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent the entry of livestock; (3) on ranching units used exclusively for grazing sheep either the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent entry of livestock or the entry of livestock on the non-grazed acreage is prevented by herding; (4) the remaining range land in such ranching unit is not pastured to such an extent as will decrease the stand of grass or injure the forage, tree growth, or watershed; (5) such practice shall not be applicable to range land in the ranching unit which normally is not used for grazing during the period for which payment is claimed; (6) the ranch operator has submitted to the county committee in writing the designation of the nongrazing range area of the ranching unit previous to the initiation of such practice; and (7) the ranch operator complies with such other conditions or specifications as may be established by the county committee with the approval of the State committee, where the county committee determines such additional conditions or specifications are needed in the interest of range conservation.

Practices and Conditions of Payment	Rate of Payment
(b) <u>Artificial reseeding:</u> For reseeding depleted range land, including mountain meadow land, with good seed of adapted varieties of range grasses, legumes or forage shrubs.	\$0.20 per pound of seed sown, but not in excess of \$2.00 per acre
(c) <u>Artificial sodding:</u> For resodding depleted range land with adapted varieties of range grasses.	\$3.00 per acre
EROSION AND RUNOFF CONTROL	
(d) <u>Contour listing, furrowing, or subsoiling:</u> For listing, furrowing, or subsoiling range land, including mountain meadow land, on the contour.	\$0.50 per acre
(e) <u>Contour ridging:</u> For ridging range land on the contour.	\$0.10 per 100 linear feet
(f) <u>Spreader dams and terraces:</u> For constructing spreader dams and spreader terraces alone or in combination with each other for the diversion of surface water to prevent soil washing of range land, including mountain meadow land.	
(1) Spreader dams	\$0.15 per cubic yard of material moved
(2) Spreader terraces	\$0.50 per 100 linear feet
DEVELOPMENT OF STOCK WATER ON RANGE LAND	
(g) <u>Earthen tanks or reservoirs:</u> For constructing reservoirs or earthen tanks with spillways adequate to prevent dams from washing out, for the purpose of providing water for range livestock.	\$0.15 per cubic yard of material moved not in excess of 5,000 cubic yards, and \$0.10 per cubic yard of material moved in excess of 5,000 cubic yards for each tank or reservoir
(h) <u>Concrete or rubble masonry dams:</u> For constructing concrete or rubble masonry dams in rough or broken areas (where earthen dams or reservoirs are impracticable and where there is no possibility of using the masonry dam for irrigation), for the purpose of providing water for range livestock.	\$6.00 per cubic yard of concrete or rubble masonry
(i) <u>Wells:</u> (1) For drilling or digging wells with casing not less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump	\$2.00 per linear foot

Practices and Conditions of Payment	Rate of Payment
<p>is installed and the water is conveyed to a tank or storage reservoir. Payment will not be made for a well developed at any ranch headquarters.</p>	
<p>(2) For drilling or digging wells with casing less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. An artesian well with casing less than 4 inches in diameter will qualify for payment, provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or trough. Payment will not be made for a well developed at any ranch headquarters.</p>	\$1.00 per linear foot
<p>(j) <u>Development of natural watering places:</u> For developing springs or seeps for the purpose of providing water for range live-stock, provided the source is protected from trampling, and at least 20 cubic feet of available water storage is provided.</p>	\$0.30 per cubic foot in soil or gravel and \$0.50 per cubic foot in rock formation for excavation of source, provided the minimum payment will be \$20.00 and the maximum payment \$100.00 for any single development
PLANTING AND MAINTAINING A STAND OF TREES	\$7.50 per acre
<p>(k) <u>Tree planting:</u> Planting of trees on range land, provided that the trees are planted in 1939 prior to November 1; that the number, kind, and age of trees planted and methods of planting and growing of such trees are in accordance with approved specifications; and that the acreage planted to trees is fenced and the fence is maintained sufficiently to prevent entry of livestock.</p>	
<p>(l) <u>Cultivating and maintaining a stand of trees:</u> Cultivating, protecting, and maintaining, by replanting if necessary a full stand of at least 500 trees per acre of forest planting, or 200 trees per acre of windbreak or shelter-belt plantings planted on range land between July 1, 1935 and July 1, 1939.</p>	\$3.00 per acre

Practices and Conditions of Payment	Rate of Payment
CONSERVATION OF RANGE LANDS THROUGH ELIMINATION OF DESTRUCTIVE PLANTS	
(m) <u>Prickly pear and cactus:</u>	
(1) Light infestation	\$0.50 per acre
(2) Medium infestation	\$0.75 per acre
(3) Heavy infestation	\$1.00 per acre
(n) <u>Mesquite:</u>	
(1) Light infestation	\$0.50 per acre
(2) Medium infestation	\$1.00 per acre
(3) Heavy infestation	\$2.00 per acre
(o) <u>Cedar:</u>	
(1) Light infestation	\$0.75 per acre
(2) Medium infestation	\$1.00 per acre
(3) Heavy infestation	\$1.50 per acre
(p) <u>Lechuguilla:</u>	
(1) Heavy infestation	\$0.50 per acre
<u>Provided</u> , That if the county committee determines the elimination of destructive plants under any of practices (m) to (p), inclusive, will reduce the vegetative cover to such an extent as to encourage increased soil erosion, the use of practice (b), Artificial reseeding, shall also be required where soil and climatic conditions permit.	
FIRE GUARDS	
(q) <u>Fire guards:</u>	\$0.05 per 100 linear feet
For the establishment on range land of fire guards not less than 10 feet in width by plowing furrows or otherwise exposing the mineral soil. Payment will not be made if any fire guard is used in connection with controlled burning within the ranching unit.	

Sec. 4 Range-building allowance. (a) Acreage and grazing capacity. In Texas, Oklahoma, Kansas, Nebraska, South Dakota, and California, the range-building allowance shall be 2 cents per acre of range land in the ranching unit plus \$1.00 times the grazing capacity of the range land; and in Arizona, New Mexico, Nevada, Utah, Colorado, Washington, Oregon, Idaho, Montana, Wyoming, and North Dakota, the range-building allowance shall be 3 cents per acre of range land in the ranching unit plus 75 cents times the grazing capacity of the range land: Provided, however, that in either area the grazing capacity item shall not be calculated on more than

one animal unit for each 10 acres of range land in the ranching unit, and the acreage item shall not be calculated on more than 60 acres for each animal unit of grazing capacity established for the ranching unit.

(b) Mountain meadow land. In addition, the range-building allowance shall include 35 cents times the number of acres of mountain meadow land in the ranching unit from which hay is normally harvested for feeding on the ranching unit to range livestock owned by the operator of the ranching unit. The counties in which this additional allowance is made shall be those mountain counties in the Western Region for which, upon the basis of the recommendations of the county and State committees, the regional director determines the reseeding and erosion control practices specified in Section 3 to be necessary and effective in promoting range conservation: Provided, however, the mountain meadow land for which this additional allowance is made shall not be considered in calculating the portion of the range-building allowance provided for in paragraph (a).

Sec. 5 Conditions of payment. (a) Promotion of conservation and good range management. Payments for carrying out range-building practices are conditioned upon the adoption or maintenance of conservative range management practices designed to secure or maintain a good stand of grass or other palatable forage plants and in bringing about such use of the forage resources of the ranch as will most effectively carry out the purposes of the Soil Conservation and Domestic Allotment Act. Payments under the 1939 Range Conservation Program will be made only with respect to those ranching units on which the county committee certifies that such range management practices have been followed. The range-building practices approved by the county committee for any ranching unit shall be practices which the county committee finds are needed on the ranch in order to promote conservation and good range management.

(b) Payments limited to range-building allowance. The range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit. Payment will be made only if range-building practices are carried out according to specifications recommended by the State committee and approved by the regional director. Payments made for carrying out range-building practices shall not be subject to the provisions of Section 9 of the 1939 Agricultural Conservation Program Bulletin.

(c) State or Federal aid. No payment will be made for practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency other than the Agricultural Adjustment Administration, or for practices with respect to which a portion of the labor, seed, trees, or other materials used in carrying out such practices is furnished by a State or Federal agency other than the Agricultural Adjustment Administration, if such portion represents one-half or more of the total cost of carrying out such practices. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents less than one-half of the total cost of carrying out such practice, payment will be made for such practice at one-half of the rate specified in Section 3. Provided, That labor, seed, trees, and

materials furnished to a State, political subdivision of a State, or any agency thereof by an agency of the same State shall not be deemed to have been furnished by "any State - - - agency" within the meaning of this paragraph. Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency. No payment will be made for the planting and protection of forest trees planted under a cooperative agreement entered into with the Forest Service in connection with the Prairie States Forestry Project.

Sec. 6 Changes in leasing arrangements and other devices. No payment will be made to any person who has for 1939 made any change from the 1938 leasing arrangements of range land for the purpose of, or which would have the effect of, diverting to such person any payment to which any lessee would be entitled if the 1938 leasing arrangements of such range land were in effect for 1939. If the State committee finds that any person who files an application for a payment pursuant to the provisions of the 1939 Range Conservation Program has made any change from the 1938 leasing arrangements of such range land or has employed any other scheme or device whatsoever for the purpose of, or which would have the effect of, depriving any other person of any payment or share therein to which such other person otherwise would be entitled, the Secretary may withhold in whole or in part from the person participating in such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or otherwise would be made to such person for performance in connection with the 1939 Range Conservation Program.

Sec. 7 Eligibility for payment. (a) Persons eligible to file application. Application for range-building payment may be made only by ranch operators. Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch operator of a group of two or more ranch operators, provided they all signify in the application for the range-building payment a percentum of the total payment to be made to each ranch operator. In case there are two or more ranch operators, the application must be made by all of them, except that in cases where any ranch operator refuses to sign the application for payment the county committee shall determine the percentage share of each ranch operator and payment of his percentage share will be made to each ranch operator applying for payment in accordance with such determination.

(b) Time and manner of filing application and information required. Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment to any ranch operator who fails to file any form or furnish any information required with respect to any ranching unit in which such ranch operator is interested, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

(c) Excess cotton acreage. Any person who makes application for payment with respect to any ranching unit located in a county in which cotton is planted in 1939 shall file with such application a statement that the applicant has not knowingly planted or caused to be planted during 1939 cotton on land in any farm in which he has an interest in excess of the cotton acreage allotment established for the farm for 1939 and that cotton

was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants cotton on his farm in 1939 on acreage in excess of the cotton acreage allotment established for the farm in 1939 shall not be eligible for any payment under the provisions of the 1939 Range Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1939 on acreage in excess of the cotton acreage allotment for the farm for 1939 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1939.

Sec. 8 Payment restricted to effectuation of the purposes of the program. All or any part of any payments which otherwise would be made to any person under the 1939 Range Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1939 or previous range conservation programs, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he adopts any practice which the regional director finds is contrary to sound conservation practices.

No payment will be made to any person if it is determined in accordance with instructions issued by the Agricultural Adjustment Administration that, with respect to any ranch which he owns or operates, the stand of grass has been decreased or the forage, tree growth or watershed has been injured by overgrazing in 1939.

Sec. 9 Payments computed and made without regard to claims. Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in Section 13), and without regard to any claim or lien against any crop or livestock, or proceeds thereof, in favor of the owner or any other creditor.

Sec. 10 Increase in small payments. The total payment computed for any person with respect to any ranching unit shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.00;
- (2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;
- (3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in pay- ment	Amount of payment computed	Increase in pay- ment
\$1.00 to 1.99	\$0.40	\$32.00 to 32.99	\$10.40
2.00 to 2.99	0.80	33.00 to 33.99	10.60
3.00 to 3.99	1.20	34.00 to 34.99	10.80
4.00 to 4.99	1.60	35.00 to 35.99	11.00
5.00 to 5.99	2.00	36.00 to 36.99	11.20
6.00 to 6.99	2.40	37.00 to 37.99	11.40
7.00 to 7.99	2.80	38.00 to 38.99	11.60
8.00 to 8.99	3.20	39.00 to 39.99	11.80
9.00 to 9.99	3.60	40.00 to 40.99	12.00
10.00 to 10.99	4.00	41.00 to 41.99	12.10
11.00 to 11.99	4.40	42.00 to 42.99	12.20
12.00 to 12.99	4.80	43.00 to 43.99	12.30
13.00 to 13.99	5.20	44.00 to 44.99	12.40
14.00 to 14.99	5.60	45.00 to 45.99	12.50
15.00 to 15.99	6.00	46.00 to 46.99	12.60
16.00 to 16.99	6.40	47.00 to 47.99	12.70
17.00 to 17.99	6.80	48.00 to 48.99	12.80
18.00 to 18.99	7.20	49.00 to 49.99	12.90
19.00 to 19.99	7.60	50.00 to 50.99	13.00
20.00 to 20.99	8.00	51.00 to 51.99	13.10
21.00 to 21.99	8.20	52.00 to 52.99	13.20
22.00 to 22.99	8.40	53.00 to 53.99	13.30
23.00 to 23.99	8.60	54.00 to 54.99	13.40
24.00 to 24.99	8.80	55.00 to 55.99	13.50
25.00 to 25.99	9.00	56.00 to 56.99	13.60
26.00 to 26.99	9.20	57.00 to 57.99	13.70
27.00 to 27.99	9.40	58.00 to 58.99	13.80
28.00 to 28.99	9.60	59.00 to 59.99	13.90
29.00 to 29.99	9.80	60.00 to 185.99	14.00
30.00 to 30.99	10.00	186.00 to 199.99	1/
31.00 to 31.99	10.20	200.00 and over	2/

1/ Increase to 200.00

2/ No increase

Sec. 11 Payments limited to \$10,000. The total of all payments made in connection with programs for 1939 under Section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, Territory, or possession, shall not exceed the sum of \$10,000. The total of all payments made in connection with programs for 1939 under Section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000.

All or any part of any payment which has been or otherwise would be made to any person under the 1939 Agricultural Conservation Program, including the Range Conservation Program, may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including

the dissolution, reorganization, or formation of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

Sec. 12 Deductions for association expenses. There shall be deducted pro rata from the payments with respect to any ranching unit all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the ranching unit is located.

Sec. 13 Assignments. Any person who may be entitled to any payment in connection with the 1939 Range Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1939. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69 in accordance with instructions (ACP-70) issued by the Agricultural Adjustment Administration.

Nothing contained in this Section 13 shall be construed to give an assignee a right to any payment other than that to which the ranch operator is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the ranch operator without regard to the existence of any such assignment.

Sec. 14 Establishment of grazing capacities. There shall be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received on or before a date established by the regional director as affording reasonable opportunity for the filing of such applications. In determining grazing capacity, consideration shall be given to the following: (a) composition, palatability, and density of forage growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) presence or absence of rodents and poisonous plant infestations; and (f) number and classes of livestock previously carried. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit established by the Agricultural Adjustment Administration on the basis of available statistics.

Sec. 15 Appeals. Any person may within 15 days after notice thereof is forwarded to or available to him request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters affecting any ranching unit in which he has an interest: (a) eligibility to file an application for payment, (b) grazing capacity established for the range land in such ranching unit, or (c) any other matter affecting the right to or the amount of his payment with respect to the ranching unit. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee he may, within 15 days after such decision is forwarded to or made available to him, request the regional

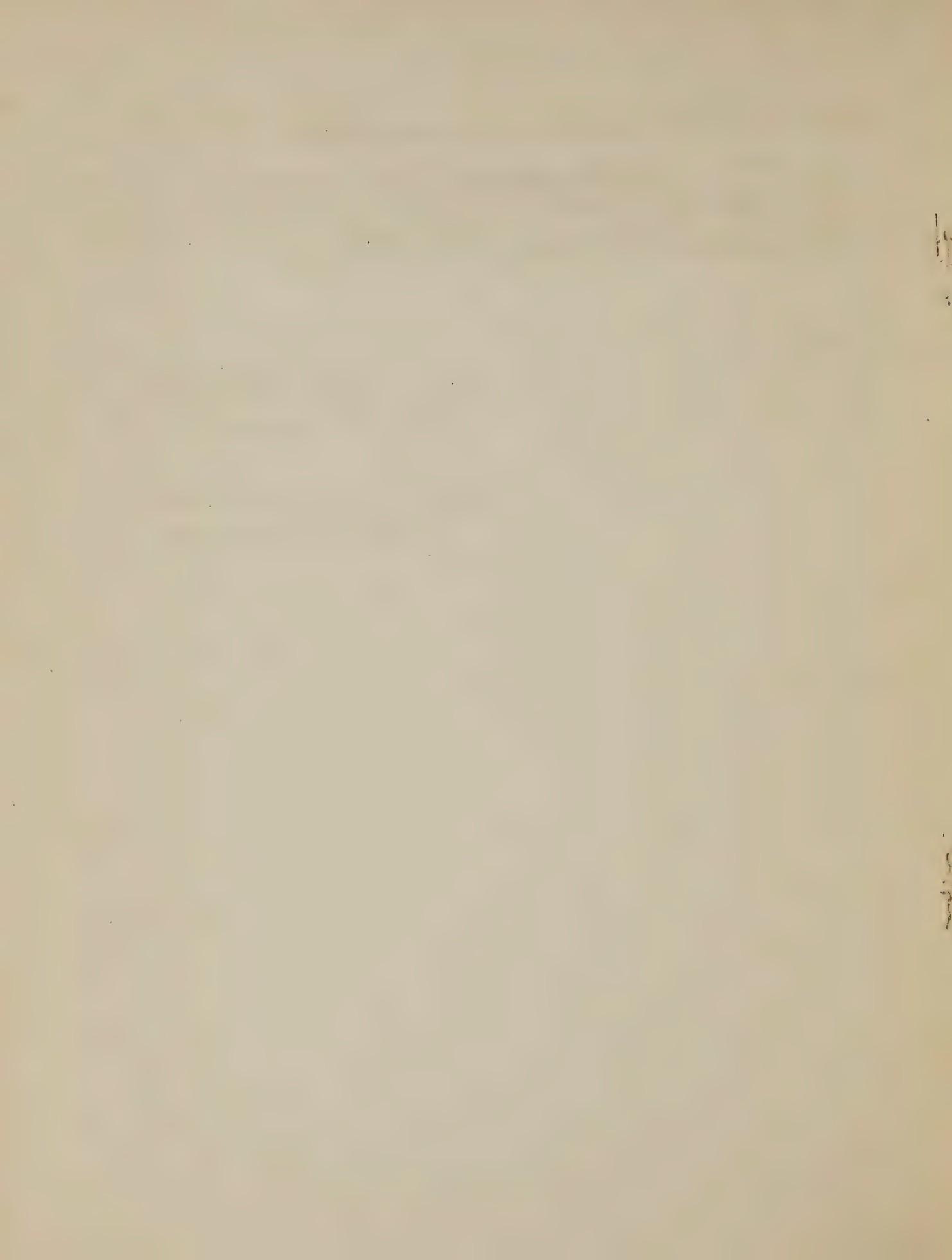
director to review the decision of the State committee.

Sec. 16 State and regional bulletins, instructions and forms. The Agricultural Adjustment Administration is hereby authorized to make such determinations and to prepare and issue such State and regional bulletins, instructions, and forms as may be required pursuant to the provisions hereof in administering the 1939 Range Conservation Program.

(SEAL)

Done at Washington, D. C.
this 10 th day of November, 1938.
Witness my hand and the seal of the
Department of Agriculture.

W A Wallace
Secretary of Agriculture.



Issued Feb. 13, 1939

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

MAR 1

WESTERN REGION

1939 RANGE CONSERVATION PROGRAM BULLETIN

For

CHASE COUNTY, KANSAS

SECTION 1. AUTHORITY, AVAILABILITY OF FUNDS, AND
APPLICABILITY

(a) Authority. This bulletin supersedes for Chase County all portions of WR-1939-Kansas relating to range.

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of Section 7 (a) of said Act in 1939, payments will be made for participation in the 1939 Chase County, Kansas, Range Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other revisions as may hereafter be made.

(b) Availability of funds. The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided is contingent upon such appropriation as the Congress may hereafter provide for such purpose and the amounts of such payments will necessarily be within the limits finally determined by such appropriation, the final estimate of payments which would be made in Chase County, Kansas, under the national 1939 Range Conservation Program and the extent of participation in the 1939 Chase County, Kansas, Range Conservation Program. As an adjustment for participation in the 1939 Chase County, Kansas, Range Conservation Program the rates of payment specified herein may be increased or decreased by as much as 10 percent.

(c) Applicability. The provisions of the 1939 Chase County, Kansas, Range Conservation Program contained in this bulletin are not applicable to (1) counties other than Chase County, Kansas, and (2) public domain of the United States, including land owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

SECTION 2. DEFINITIONS

For the purposes of the 1939 Chase County, Kansas, Range Conservation Program:

SECRETARY means the Secretary of Agriculture of the United States.

WESTERN REGION means the area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

REGIONAL DIRECTOR means the Director of the Western Division of the Agricultural Adjustment Administration in charge of the 1939 Agricultural Conservation Program in the State of Kansas.

STATE COMMITTEE means the group of persons designated for the State of Kansas to assist in the administration of the 1939 Agricultural Conservation Program, the 1939 Range Conservation Program, and the 1939 Chase County, Kansas, Range Conservation Program in the State of Kansas.

COUNTY COMMITTEE means the group of persons elected for Chase County to assist in the administration of the 1939 Agricultural Conservation Program and the 1939 Chase County, Kansas, Range Conservation Program.

PERSON means an individual, partnership, association, corporation, estate or trust, and wherever applicable a State, a political subdivision of a State, or any agency thereof.

RANGE-BUILDING ALLOWANCES means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

RANGE-BUILDING PAYMENT means a payment made for the carrying out of one or more range building practices.

RANCH OPERATOR means a person who as owner, cash tenant, or share tenant operates, or a person who acts in similar capacity in the operation of, a ranching unit in 1939.

RANGE LAND means any land in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage grazed by range livestock, without cultivation or general irrigation.

RANCHING UNIT means all range land which is used in 1939 by the ranch operator as a single unit in producing range livestock, with machinery, workstock, and labor substantially separate from that of any other range land. In order to facilitate the administration of the program the Regional Director may prescribe that for the purposes of this program, tracts shall be deemed ranching units only if they contain more than the minimum acreage of range land fixed by him. A ranching unit shall be regarded as located in the county in which its principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as lo-

cated in the county in which the major portion of the ranching unit is located.

SUBUNIT for the purpose of this bulletin means a part of a ranching unit consisting of one or more fenced enclosures for which the grazing capacity is established separately from any other range land.

ANIMAL UNIT means one cow, one horse, five sheep, or five goats, or the equivalent thereof.

GRAZING CAPACITY OF RANGE LAND means the number of animal units which such land will sustain, on a 12-month basis, over a period of years without decreasing the stand of grass or other grazing vegetation, and without injury to the forage, tree growth, or watershed.

LIMITED GRAZING is that rate of stocking on any ranching unit which will, over a period of years, result in a sustained yield of grass, or other forage growth without injury to the tree growth or watershed.

ANIMAL MONTH of grazing use is the grazing of one animal unit for one month's time under conditions that will result in satisfactory gains by the animal without supplementary feeding.

STOCKING RATE means grazing capacity (based on 12 months use) adjusted to a seasonal basis; and also, the number of animal units grazing a tract of range land for a given period.

SECTION 3. RATES OF RANGE-BUILDING PAYMENTS.

Within the limits of the range-building allowance and subject to the conditions hereinafter set forth, payment will be made for carrying out on range land in 1939 such of the following practices as are approved by the county committee for the ranching unit prior to their institution.

Practices and Conditions of Payment	:	Rate of Payment
	:	
RESEEDING OF RANGE LAND	:	
(a) <u>Restoration of the natural forage by limited grazing of range land:</u>	:	40% of the range-building allowance computed under
(1) For the grazing of all range land in the ranching unit by a total number of animal units not in excess of the established grazing capacity thereof, provided, the total animal months of grazing use on a ranching unit (as used in this Section, ranching unit shall also mean the ranching subunit) during the year shall not exceed the number computed for the respective period of grazing use accord-	:	Section II.

Practices and Conditions of Payment	Rate of Payment
-------------------------------------	-----------------

ing to the formula below:

6 or more months of grazing use	12.0 times the animal units of grazing capacity
5 months	11.5 X Grazing capacity
4 "	10.0 X " "
3 " or less	9.0 X " "

except that if all livestock are withheld from grazing on the ranching unit during the period from April 15 to May 15, the total animal months of grazing use during the year may be increased to a number not larger than 12 times the animal units of grazing capacity, irrespective of the number of months of grazing use.

The ranching unit shall not at any time be grazed by a number of animal units in excess of the number computed for the respective period of grazing use according to the formula below:

Months of grazing use	If grazed between start of forage growth and May 15	If not grazed between April 15 and May 15
7 or more	$1.72 \times au \text{ of } gc^*$	$1.72 \times au \text{ of } gc^*$
6	2.00	2.00
5	2.30	2.40
4	2.50	3.00
3 or less	3.00	3.50

provided that in no event during the period from January 1 to April 15 shall the ranching unit be grazed by a number of animal units in excess of 10 percent of the established grazing capacity.

Payment shall be made only on condition that (1) the operator notifies the county committee prior to turning any livestock on the range and prior to the removal of livestock therefrom; (2) the operator gives the county committee an adequate opportunity to check the number of livestock grazing on the ranching unit or subunit at any time; (3) only those ranching units shall be approved for

* The abbreviations "au of gc" mean animal units of established grazing capacity.

Practices and Conditions of Payment	: Rate of Payment
this practice by the county committee where the ranching unit and each subunit is fenced and the fences are maintained, and where stock water is located so as to insure the proper distribution of livestock within each subunit; and (4) the county committee determines that any controlled burning of range land was performed at such a time or in such a manner as not to defeat the purposes of the 1939 Chase County, Kansas, Range Conservation Program.	:
(2) In addition to compliance with the provisions of subsection (a) under this Practice (a)- (1) the ranch operator complies with such other conditions or specifications as may be established by the county committee, in accordance with instructions issued by the State committee, where the county committee determines such additional conditions or specifications are needed in the interest of range conservation; or (2) if the county committee determines that additional conditions or specifications are not needed in the interest of range conservation, the stocking rate approved for the ranching unit is determined by the county committee, in accordance with a procedure approved by the State committee, to be a reduction of 20% or more from the normal stocking rate.	: 20% of the range-building allowance computed under Section II.
(b) <u>Artificial reseeding:</u> For reseeding depleted range land, with good seed of adapted varieties of range grasses, legumes, or forage shrubs.	: \$0.20 per pound of seed sown, but not in excess of \$2.00 per acre.
DEVELOPMENT OF STOCK WATER	:
(g) <u>Earthen tanks or reservoirs:</u> For constructing reservoirs or earthen tanks with spillways adequate to prevent dams from washing out, for the purpose of providing water for range livestock.	: \$0.15 per cubic yard of material moved not in excess of 5,000 cubic yards, and \$0.10 per cubic yard of material moved in excess of 5,000 cubic yards for each tank or reservoir.

Practices and Conditions of Payment	: Rate of Payment
(i) Wells:	
(1) For drilling or digging wells with casing not less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. Payment will not be made for a well developed at any ranch headquarters.	: \$2.00 per linear foot.
(2) For drilling or digging wells with casing less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. An artesian well with casing less than 4 inches in diameter will qualify for payment, provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or trough. Payment will not be made for a well developed at any ranch headquarters.	: \$1.00 per linear foot.
(j) <u>Development of natural watering places:</u>	
For developing springs or seeps for the purpose of providing water for range livestock, provided the source is protected from trampling, and at least 20 cubic feet of available water storage is provided.	: \$0.30 per cubic foot : in soil or gravel and : \$0.50 per cubic foot : in rock formation for : excavation of source, : provided the minimum : payment will be \$20.00 : and the maximum pay- : ment \$100.00 for any : single development.

SECTION 4. RANGE-BUILDING ALLOWANCE

The range-building allowance shall be 2 cents per acre of range land in the ranching unit plus \$1.00 times the grazing capacity of the range land: Provided, however, that the grazing capacity item shall not be calculated on more than one animal unit for each ten acres of range land in the ranching unit, and the acreage item shall not be calculated on more than 60 acres for each animal unit of grazing capacity established for the ranching unit.

SECTION 5. CONDITION OF PAYMENT

(a) Promotion of conservation and good range management. Payments for carrying out range-building practices are conditioned upon the adoption or maintenance of conservative range management practices designed to se-

cure or maintain a good stand of grass or other palatable forage plants and in bringing about such use of the forage resources of the ranch as will most effectively carry out the purposes of the Soil Conservation and Domestic Allotment Act. Payments under the 1939 Chase County, Kansas, Range Conservation Program will be made only with respect to those ranching units on which the county committee certifies that such range management practices have been followed. The range-building practices approved by the county committee for any ranching unit shall be practices which the county committee finds are needed on the ranch in order to promote conservation and good range management.

(b) Payments limited to range-building allowance. The range-building payment made with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit. Payment will be made only if range-building practices are carried out according to specifications recommended by the county and State committees and approved by the Regional Director. Payments made for performance pursuant to the provisions of this bulletin shall not be subject to the provisions of Section 9 of the Kansas 1939 Agricultural Conservation Program Bulletin.

(c) State or Federal aid. No payment will be made for practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency other than the Agricultural Adjustment Administration, or for practices with respect to which a portion of the labor, seed, trees, or other materials used in carrying out such practices is furnished by a State or Federal agency other than the Agricultural Adjustment Administration, if such portion represents one-half or more of the total cost of carrying out such practices. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents less than one-half of the total cost of carrying out such practice, payment will be made for such practice at one-half of the rate specified in Section 3. Provided, That labor, seed, trees, and materials furnished to a State, political subdivision of a State, or any agency thereof by any agency of the same State shall not be deemed to have been furnished by "any State --- Agency" within the meaning of this paragraph. Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal Agency. No payment will be made for the planting and protection of forest trees planted under a cooperative agreement entered into with the Forest Service in connection with the Prairie States Forestry Project.

SECTION 6. CHANGES IN LEASING ARRANGEMENTS AND OTHER DEVICES

(a) No payment will be made to any person who has for 1939 made any change from the 1938 leasing arrangements of range land for the purpose of, or which would have the effect of, diverting to such person any payment to which any lessee would be entitled if the 1938 leasing arrangements of such range land were in effect for 1939. If the State committee

finds that any person who files an application for a payment pursuant to the provisions of the 1939 Chase County, Kansas, Range Conservation Program has made any change from the 1938 leasing arrangements of such range land or has employed any other scheme or device whatsoever for the purpose of, or which would have the effect of depriving any other person of any payment or share therein to which such other person otherwise would be entitled, the Secretary may withhold in whole or in part from the person participating in such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or otherwise would be made to such person for performance in connection with the 1939 Chase County, Kansas, Range Conservation Program.

SECTION 7. ELIGIBILITY FOR PAYMENT

(a) Persons eligible to file application. Application for range-building payment may be made only by ranch operators. Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch operator of a group of two or more ranch operators, provided they all signify in the application for the range-building payment a percentum of the total payment to be made to each ranch operator. In case there are two or more ranch operators, the application must be made by all of them, except that in cases where any ranch operator refuses to sign the application for payment the county committee shall determine the percentage share of each ranch operator and payment of his percentage share will be made to each ranch operator applying for payment in accordance with such determination.

(b) Time and manner of filing application and information required. Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment to any ranch operator who fails to file any form or furnish any information required with respect to any ranching unit in which such ranch operator is interested, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

(c) Excess cotton acreage. Any person who makes application for payment with respect to any ranching unit located in a county in which cotton is planted in 1939 shall file with such application a statement that the applicant has not knowingly planted or caused to be planted during 1939 cotton on land in any farm in which he has an interest in excess of the cotton acreage allotment established for the farm for 1939 and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants cotton on his farm in 1939 on acreage in excess of the cotton acreage allotment established for the farm in 1939 shall not be eligible for any payment under the provisions of the 1939 Chase County, Kansas, Range Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is

planted in 1939 on acreage in excess of the cotton acreage allotment for the farm for 1939 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1939.

**SECTION 8. PAYMENT RESTRICTED TO EFFECTUATION
OF THE PURPOSES OF THE PROGRAM**

All or any part of any payments which otherwise would be made to any person under the 1939 Chase County, Kansas, Range Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1939 or previous range conservation programs, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he adopts any practice which the regional director finds is contrary to sound conservation practices.

No payment will be made to any person if it is determined in accordance with instructions issued by the Agricultural Adjustment Administration that, with respect to any ranch which he owns or operates, the stand of grass has been decreased or the forage, tree growth or watershed has been injured by overgrazing in 1939.

**SECTION 9. PAYMENTS COMPUTED AND MADE WITHOUT
REGARD TO CLAIMS**

Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in Section 13), and without regard to any claim or lien against any crop or livestock, or proceeds thereof, in favor of the owner or any other creditor.

SECTION 10. INCREASE IN SMALL PAYMENTS

The total payment computed for any person with respect to any ranching unit shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.00;
- (2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;
- (3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to 1.99	\$0.40	\$32.00 to 32.99	\$10.40
2.00 to 2.99	0.80	33.00 to 33.99	10.60
3.00 to 3.99	1.20	34.00 to 34.99	10.80
4.00 to 4.99	1.60	35.00 to 35.99	11.00
5.00 to 5.99	2.00	36.00 to 36.99	11.20
6.00 to 6.99	2.40	37.00 to 37.99	11.40
7.00 to 7.99	2.80	38.00 to 38.99	11.60
8.00 to 8.99	3.20	39.00 to 39.99	11.80
9.00 to 9.99	3.60	40.00 to 40.99	12.00
10.00 to 10.99	4.00	41.00 to 41.99	12.10
11.00 to 11.99	4.40	42.00 to 42.99	12.20
12.00 to 12.99	4.80	43.00 to 43.99	12.30
13.00 to 13.99	5.20	44.00 to 44.99	12.40
14.00 to 14.99	5.60	45.00 to 45.99	12.50
15.00 to 15.99	6.00	46.00 to 46.99	12.60
16.00 to 16.99	6.40	47.00 to 47.99	12.70
17.00 to 17.99	6.80	48.00 to 48.99	12.80
18.00 to 18.99	7.20	49.00 to 49.99	12.90
19.00 to 19.99	7.60	50.00 to 50.99	13.00
20.00 to 20.99	8.00	51.00 to 51.99	13.10
21.00 to 21.99	8.20	52.00 to 52.99	13.20
22.00 to 22.99	8.40	53.00 to 53.99	13.30
23.00 to 23.99	8.60	54.00 to 54.99	13.40
24.00 to 24.99	8.80	55.00 to 55.99	13.50
25.00 to 25.99	9.00	56.00 to 56.99	13.60
26.00 to 26.99	9.20	57.00 to 57.99	13.70
27.00 to 27.99	9.40	58.00 to 58.99	13.80
28.00 to 28.99	9.60	59.00 to 59.99	13.90
29.00 to 29.99	9.80	60.00 to 185.99	14.00
30.00 to 30.99	10.00	186.00 to 199.99	1/ <u>2/</u>
31.00 to 31.99	10.20	200.00 and over	

1/ Increase to 200.00

2/ No increase

SECTION 11. PAYMENTS LIMITED TO \$10,000

The total of all payments made in connection with programs for 1939 under Section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership or estate with respect to farms and ranching units located in the State of Kansas shall not exceed the sum of \$10,000. The total of all payments made in connection with programs for 1939 under Section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000.

All or any part of any payment which has been or otherwise would be made to any person under the 1939 Agricultural Conservation Program, including the Range Conservation Program, may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, or formation of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

SECTION 12. DEDUCTION FOR ASSOCIATION EXPENSES

There shall be deducted pro rata from the payments with respect to any ranching unit all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the ranching unit is located.

SECTION 13. ASSIGNMENTS

Any person who may be entitled to any payment in connection with the 1939 Chase County, Kansas, Range Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1939. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69 in accordance with instructions (ACP-70) issued by the Agricultural Adjustment Administration.

Nothing contained in this Section 13 shall be construed to give an assignee a right to any payment other than that to which the ranch operator is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the ranch operator without regard to the existence of any such assignment.

SECTION 14. ESTABLISHMENT OF GRAZING CAPACITIES

There shall be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received on or before a date established by the regional director as affording reasonable opportunity for the filing of such applications.

In determining grazing capacity, consideration shall be given to the following: (a) composition, palatability, and density of forage growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) presence or absence of rodents and poisonous plant infestations; and (f) number and classes of livestock previously carried. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit established by the Agricultural Adjustment Administration on the basis of available statistics.

SECTION 15. APPEALS

Any person may within 15 days after notice thereof is forwarded to or available to him request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters affecting any ranching unit in which he has an interest: (a) eligibility to file an application for payment, (b) grazing capacity established for the range land in such ranching unit, or (c) any other matter affecting the right to or the amount of his payment with respect to the ranching unit. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for consideration. If such person is dissatisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee he may, within 15 days after such decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

SECTION 16. STATE AND REGIONAL BULLETINS, INSTRUCTIONS AND FORMS

The Agricultural Adjustment Administration is hereby authorized to make such determinations and to prepare and issue such State and regional bulletins, instructions, and forms as may be required pursuant to the provisions hereof in administering the 1939 Chase County, Kansas, Range Conservation Program.

(SEAL)

Done at Washington, D. C.,
this 13th day of February, 1939.
Witness my hand and the seal of the
Department of Agriculture.

H. A. Wallace
Secretary of Agriculture

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

1939 RANGE CONSERVATION PROGRAM BULLETIN

Supplement No. I.

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, Section 705.3 of the 1939 Range Conservation Program Bulletin is hereby amended by deleting the text of Practice (a), "Natural reseeding by deferred grazing," and inserting in lieu thereof the following:

Practices and Conditions of Payment	Rate of Payment
RESEEDING OF RANGE LAND	
(a) <u>Natural reseeding by deferred grazing:</u> For withholding 25 percent of the range land in the ranching unit from grazing for the normal period from the start of forage growth to seed maturity, established by the State committee and approved by the Regional Director: (1) <u>Provided</u> , (1) if grazing is deferred on less than 25 percent of the range land in the ranching unit, or the area deferred is normally grazed for one month or more but not all the months in the period approved for deferred grazing, a proportionate payment will be made; (2) on ranching units on which cattle or horses are grazed the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent the entry of livestock; (3) on ranching units used exclusively for grazing sheep either the area to be kept free of grazing is	40% of that part of the range-building allowance which is computed under Section 705.4(a); <u>Provided</u> , That in those States where the Administrator determines that on a substantial percentage of the ranches additional practices are not needed and normally

Practices and Conditions of Payment	Rate of Payment
<p>fenced and the fence is maintained sufficiently to prevent entry of livestock or the entry of livestock on the non-grazed acreage is prevented by herding; (4) the remaining range land in such ranching unit is not pastured to such an extent as will decrease the stand of grass or injure the forage, tree growth, or watershed; (5) such practice shall not be applicable to range land in the ranching unit which normally is not used for grazing during the period for which payment is claimed; and (6) the ranch operator has submitted to the county committee in writing the designation of the non-grazing range area of the ranching unit previous to the initiation of such practice.</p>	<p>the current year's forage has but little grazing value after the close of the deferred grazing period, on ranches where no additional specifications are established, the rate shall be 60% of that part of the range-building allowance which is computed under Section 705.4(a).</p>
<p>(2) <u>Provided</u>, The ranch operator conforms with the foregoing provisions, as set forth in subparagraph (1) under this practice and in addition performs such other conditions or specifications not listed for payment under subsequent paragraphs of this section of the bulletin, where the county committee determines such additional conditions or specifications are needed in the interest of range conservation; <u>Provided</u>, That where only a proportionate payment under subparagraph (1) is earned because deferred grazing is carried out on less than 25 per cent of the range land in the ranching unit, only that same proportion of the payment computed under this subparagraph (2) may be earned.</p>	<p>In addition to the payment provided under subparagraph (1) above, 20% of that part of the range-building allowance which is computed under Section 705.4(a); <u>Provided</u>, The total payment computed under subparagraphs (1) and (2) shall not exceed 60% of that part of the range-building allowance which is computed under Section 705.4(a).</p>

Done at Washington, D. C., this
25th day of May, 1939. Witness
my hand and the seal of the De-
partment of Agriculture.

[SEAL]

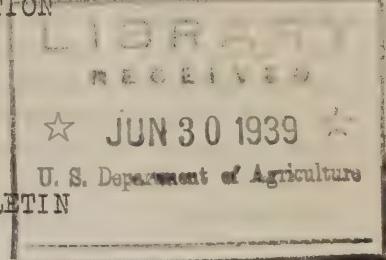
/S/ Harry L. Brown
Acting Secretary of Agriculture.

Issued June 2, 1939

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

WESTERN REGION

1939 RANGE CONSERVATION PROGRAM BULLETIN



For

MEAGHER COUNTY, MONTANA

SECTION 1. AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY.

(a) Authority. This bulletin supersedes for Meagher County all portions of WR-1939-Montana-1 relating to range.

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of Section 7 (a) of said Act in 1939, payments will be made for participation in the 1939 Meagher County, Montana, Range Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other revisions as may hereafter be made.

(b) Availability of funds. The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided is contingent upon such appropriation as the Congress may hereafter provide for such purpose and the amounts of such payments will necessarily be within the limits finally determined by such appropriation, the final estimate of payments which would be made in Meagher County, Montana, under the national 1939 Range Conservation Program and the extent of participation in the 1939 Meagher County, Montana, Range Conservation Program. As an adjustment for participation in the 1939 Meagher County, Montana, Range Conservation Program the rates of payment specified herein may be increased or decreased by as much as 10 percent.

(c) Applicability. The provisions of the 1939 Meagher County, Montana, Range Conservation Program contained in this bulletin are not applicable to (1) counties other than Meagher County, Montana, and (2) public domain of the United States, including land owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

(d) The provisions of this bulletin are to be renewed in 1940 except in case the Agricultural Adjustment Administration finds that (1) the Range Conservation Program has been modified in such manner as

to adopt the essential provisions of the Meagher County, Montana, Program or is otherwise modified in such manner as to indicate the continuation of this program is unnecessary or undesirable, or (2) the resulting performance under this program has proven it is not administratively feasible, and that it is not contributing to the improvement of range land or for other reasons indicates its continuation is undesirable, or (3) modifications of the Soil Conservation and Domestic Allotment Act, as amended, and the Agricultural Adjustment Act of 1939 are such as to prohibit its continuation, or are such as to indicate its continuation is not administratively advisable.

SECTION 2. DEFINITIONS

For the purposes of the 1939 Meagher County, Montana, Range Conservation Program:

SECRETARY means the Secretary of Agriculture of the United States.

WESTERN REGION means the area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

REGIONAL DIRECTOR means the Director of the Western Division of the Agricultural Adjustment Administration in charge of the 1939 Agricultural Conservation Program, the 1939 Range Conservation Program, and the 1939 Meagher County, Montana, Range Conservation Program, in the State of Montana.

STATE COMMITTEE means the group of persons designated for the State of Montana to assist in the administration of the 1939 Agricultural Conservation Program, the 1939 Range Conservation Program, and the 1939 Meagher County, Montana, Range Conservation Program, in the State of Montana.

COUNTY COMMITTEE means the group of persons elected within Meagher County to assist in the administration of the 1939 Agricultural Conservation Program and the 1939 Meagher County, Montana, Range Conservation Program.

PERSON means an individual, partnership, association, corporation, estate or trust, and wherever applicable a State, a political subdivision of a State, or any agency thereof.

RANGE-BUILDING PAYMENT means a payment for the carrying out of one or more approved range-building practices.

RANGE-BUILDING ALLOWANCE means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

RANCH OPERATOR means a person who as owner, cash tenant, or share tenant operates, or a person who acts in similar capacity in the operation of, a ranching unit in 1939.

RANGE LAND means any land in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage grazed by range livestock, without cultivation or general irrigation. Range land shall not include public domain of the United States including lands owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

RANCHING UNIT means all range land which is used in 1939 by the ranch operator as a single unit in producing range livestock, with machinery, workstock, and labor substantially separate from that of any other range land. In order to facilitate the administration of the program the Regional Director may prescribe that for the purposes of this program tracts shall be deemed ranching units only if they contain more than the minimum acreage of range land fixed by him. A ranching unit shall be regarded as located in the county in which its principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the ranching unit is located.

ANIMAL UNIT means one cow, one horse, five sheep, or five goats, or the equivalent thereof.

GRAZING CAPACITY OF RANGE LAND means the number of animal units which such land will sustain, on a 12-month basis, over a period of years without decreasing the stand of grass or other grazing vegetation, and without injury to the forage, tree growth, or watershed.

ANIMAL MONTH means the grazing capacity necessary to sustain one animal unit for one month.

LIMITED GRAZING means the grazing of the forage of the ranching unit at such a rate during the year as to result in a sustained yield of grass or other grazing vegetation without injury to the forage, tree growth, or watershed.

SECTION 3. RATES OF RANGE-BUILDING PAYMENTS.

Within the limits of the range-building allowance and subject to the conditions hereinafter set forth, payment will be made for carrying out on range land in 1939 such of the following range-building practices as are approved by the county committee for the ranching unit prior to their institution; Provided, Payment for range-building practices other than (a), Natural reseeding by limited grazing, shall not exceed 60 percent of the range-building allowance computed under Section 4 (a), plus the range-building allowance computed under Section 4 (b).

Practices and Conditions of Payment	Rate of Payment
RESEEDING OF RANGE LAND	
(a) Natural reseeding by limited grazing:	
<p>Subject to the conditions hereinafter set forth, payments will be made for the performance of limited grazing on range land, if approved by the county committee for the ranching unit prior to its institution, during the year 1939 as follows:</p>	
(1) If no goal is established for the ranching unit by the county committee or if a goal is established by the county committee for the ranching unit, and the operator fails to fully comply with the provisions thereof.	40% of that part of the range-building allowance which is computed under Section 4 (a).
(2) If a goal is established for the ranching unit by the county committee and if the operator fully complies with the provisions thereof.	60% of that part of the range-building allowance which is computed under Section 4(a).
<p>The goal provided for in this Section 3(a) shall be established by the county committee and shall consist of conditions and specifications other than those listed in this bulletin, and in addition to limited grazing, which the county committee determines are necessary on the ranch either to support and complement the effective conservation use to be made of the range in connection with such range-building practices as are contained in this bulletin or to assist in connection with limited grazing in bringing about on the ranching unit such use of the forage resources as will more effectively carry out the purposes of the Soil Conservation and Domestic Allotment Act. The county committee's determination with respect to goals shall be based on conservative range management, forage and feed resources of the ranch, topographic and cultural features, utilization of forage by wildlife and the extent to which the resources of the ranch have been utilized in a conservative manner.</p>	

Practices and Conditions of Payment	Rate of Payment
(b) <u>Artificial reseeding:</u> For reseeding depleted range land, including mountain meadowland, with good seed of adapted varieties of range grasses, legumes, or forage shrubs.	\$0.20 per pound of seed sown, but not in excess of \$2.00 per acre.
EROSION AND RUN-OFF CONTROL	
(d) <u>Contour furrowing:</u> For furrowing range land, including mountain meadowland, on the contour.	\$0.50 per acre.
(f) <u>Spreader dams and terraces:</u> For constructing spreader dams and spreader terraces alone or in combination with each other for the diversion of surface water to prevent soil washing of range land, including mountain meadowland.	
(1) Spreader dams	\$0.15 per cubic yard of material moved.
(2) Spreader terraces	\$0.50 per 100 linear feet.
DEVELOPMENT OF STOCK WATER ON RANGE LAND	
(g) <u>Earthen tanks or reservoirs:</u> For constructing reservoirs or earthen tanks with spillways adequate to prevent dams from washing out, for the purpose of providing water for range livestock.	\$0.15 per cubic yard of material moved not in excess of 5,000 cubic yards, and \$0.10 per cubic yard of material moved in excess of 5,000 cubic yards for each tank or reservoir.
(i) Wells: (1) For drilling or digging wells with casing not less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. Payment will not be made for a well developed at any ranch headquarters.	\$2.00 per linear foot.

Practices and Conditions of Payment	Rate of Payment
(2) For drilling or digging wells with casing less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water conveyed to a tank or storage reservoir. An artesian well with casing less than 4 inches in diameter will qualify for payment, provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or trough. Payment will not be made for a well developed at any ranch headquarters.	\$1.00 per linear foot.
(j) <u>Development of natural watering places:</u>	\$0.30 per cubic foot in soil or gravel and \$0.50 per cubic foot in rock formation for excavation of source, provided the minimum payment will be \$20.00 and the maximum payment \$100.00 for any single development.
(q) <u>Fire guards:</u> For the establishment of fire guards not less than 10 feet in width by plowing furrows or otherwise exposing the mineral soil. Payment will not be made if the fire guard is used in connection with controlled burning within the ranching unit.	\$0.05 per 100 linear feet.

SECTION 4. RANGE-BUILDING ALLOWANCE

(a) The range-building allowance shall be 3 cents per acre of range land in the ranching unit plus 75 cents times the grazing capacity of the range land: Provided, however, that the grazing capacity item shall not be calculated on more than one animal unit for each 10 acres of range land in the ranching unit, and the acreage item shall not be calculated on more than 60 acres for each animal unit of grazing capacity established for the ranching unit.

(b) In addition the range-building allowance shall include 35 cents times the number of acres of mountain meadowland in the ranching unit from which hay is normally harvested for feeding on the ranching

unit to range livestock owned by the operator of the ranching unit: Provided, however, that mountain meadowland for which this additional allowance is made shall not be considered in calculating the portion of the range-building allowance provided for in subsection (a).

SECTION 5. CONDITIONS OF PAYMENT

(a) No payment for range-building practices carried out under Section 3 will be made unless limited grazing has been carried out on the ranch during 1939 or the county committee shall have determined that the method of ranch management for those ranching units which did not participate in the 1938 range program, has been adjusted before December 31, 1939, in the manner required to successfully carry out limited grazing.

(b) Promotion of conservation and good range management. Payments for carrying out range-building practices are conditioned upon the adoption or maintenance of conservative range management practices designed to secure or maintain a good stand of grass or other palatable forage plants and in bringing about such use of the forage resources of the ranch as will most effectively carry out the purposes of the Soil Conservation and Domestic Allotment Act. Payments under the 1939 Meagher County, Montana, Range Conservation Program will be made only with respect to those ranching units on which the county committee certifies that such range management practices have been followed. The range-building practices approved by the county committee for any ranching unit shall be practices which the county committee finds are needed on the ranch in order to promote conservation and good range management.

(c) Payments limited to range-building allowance. The range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit. Payment will be made only if range-building practices are carried out according to specifications recommended by the county and State committees and approved by the Regional Director. Payments made for performance pursuant to the provisions of this bulletin shall not be subject to the provisions of Section 9 of the Montana 1939 Agricultural Conservation Program Bulletin.

(d) State or Federal aid. No payment will be made for practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency other than the Agricultural Adjustment Administration, or for practices with respect to which a portion of the labor, seed, trees, or other materials used in carrying out such practices is furnished by a State or Federal agency other than the Agricultural Adjustment Administration, if such portion represents one-half or more of the total cost of carrying out such practices. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents less than one-half of the total cost of carrying out such practice, payment will be made for such practice at one-half of the rate specified in Section 3. Provided, That labor, seed, trees, and materials furnished to a State, political sub-

division of a State, or any agency thereof by any agency of the same State shall not be deemed to have been furnished by "any State --- Agency" within the meaning of this paragraph. Trees purchased from a Clark-McNary Co-operative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal Agency. No payment will be made for the planting and protection of forest trees planted under a cooperative agreement entered into with the Forest Service in connection with the Prairie States Forestry Project.

SECTION 6. CHANGES IN LEASING ARRANGEMENTS AND OTHER DEVICES

(a) No payment will be made to any person who has for 1939 made any change from the 1938 leasing arrangements of range land for the purpose of, or which would have the effect of, diverting to such person any payment to which any lessee would be entitled if the 1938 leasing arrangements of such range land were in effect for 1939. If the State committee finds that any person who files an application for a payment pursuant to the provisions of the 1939 Meagher County, Montana, Range Conservation Program has made any change from the 1938 leasing arrangements of such range land or has employed any other scheme or device whatsoever for the purpose of, or which would have the effect of depriving any other person of any payment or share therein to which such other person otherwise would be entitled, the Secretary may withhold in whole or in part from the person participating in such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or otherwise would be made to such person for performance in connection with the 1939 Meagher County, Montana, Range Conservation Program.

SECTION 7. ELIGIBILITY FOR PAYMENT

(a) Persons eligible to file application. Application for range-building payment may be made only by ranch operators. Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch operator of a group of two or more ranch operators, provided they all signify in the application for the range-building payment a percentum of the total payment to be made to each ranch operator. In case there are two or more ranch operators, the application must be made by all of them, except that in cases where any ranch operator refuses to sign the application for payment the county committee shall determine the percentage share of each ranch operator and payment of his percentage share will be made to each ranch operator applying for payment in accordance with such determination.

(b) Time and manner of filing application and information required. Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment to any ranch operator who fails to file any form or furnish any information required with respect to any ranching unit in which such ranch operator is interested, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Regional Director. At least two weeks' notice to the public shall be given in advance of the

expiration of a time limit for filing prescribed forms.

(c) Any person who knowingly plants cotton on his farm in 1939 on acreage in excess of the cotton acreage allotment established for the farm in 1939 shall not be eligible for any payment under the provisions of the 1939 Meagher County, Montana, Range Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1939 on acreage in excess of the cotton acreage allotment for the farm for 1939 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1939.

SECTION 8. PAYMENT RESTRICTED TO EFFECTUATION OF THE PURPOSES OF THE PROGRAM

All or any part of any payments which otherwise would be made to any person under the 1939 Meagher County, Montana, Range Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1939 or previous range conservation programs, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he adopts any practice which the Regional Director finds is contrary to sound conservation practices.

No payment will be made to any person if it is determined in accordance with instructions issued by the Agricultural Adjustment Administration that, with respect to any ranch which he owns or operates, the stand of grass has been decreased or the forage, tree growth or watershed has been injured by overgrazing in 1939.

SECTION 9. PAYMENTS COMPUTED AND MADE WITHOUT REGARD TO CLAIMS

Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in Section 13), and without regard to any claim or lien against any crop or livestock, or proceeds thereof, in favor of the owner or any other creditor.

SECTION 10. INCREASE IN SMALL PAYMENTS

The total payment computed for any person with respect to any ranching unit shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.00;
- (2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;
- (3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to 1.99	\$0.40	\$32.00 to 32.99	\$10.40
2.00 to 2.99	0.80	33.00 to 33.99	10.60
3.00 to 3.99	1.20	34.00 to 34.99	10.80
4.00 to 4.99	1.60	35.00 to 35.99	11.00
5.00 to 5.99	2.00	36.00 to 36.99	11.20
6.00 to 6.99	2.40	37.00 to 37.99	11.40
7.00 to 7.99	2.80	38.00 to 38.99	11.60
8.00 to 8.99	3.20	39.00 to 39.99	11.80
9.00 to 9.99	3.60	40.00 to 40.99	12.00
10.00 to 10.99	4.00	41.00 to 41.99	12.10
11.00 to 11.99	4.40	42.00 to 42.99	12.20
12.00 to 12.99	4.80	43.00 to 43.99	12.30
13.00 to 13.99	5.20	44.00 to 44.99	12.40
14.00 to 14.99	5.60	45.00 to 45.99	12.50
15.00 to 15.99	6.00	46.00 to 46.99	12.60
16.00 to 16.99	6.40	47.00 to 47.99	12.70
17.00 to 17.99	6.80	48.00 to 48.99	12.80
18.00 to 18.99	7.20	49.00 to 49.99	12.90
19.00 to 19.99	7.60	50.00 to 50.99	13.00
20.00 to 20.99	8.00	51.00 to 51.99	13.10
21.00 to 21.99	8.20	52.00 to 52.99	13.20
22.00 to 22.99	8.40	53.00 to 53.99	13.30
23.00 to 23.99	8.60	54.00 to 54.99	13.40
24.00 to 24.99	8.80	55.00 to 55.99	13.50
25.00 to 25.99	9.00	56.00 to 56.99	13.60
26.00 to 26.99	9.20	57.00 to 57.99	13.70
27.00 to 27.99	9.40	58.00 to 58.99	13.80
28.00 to 28.99	9.60	59.00 to 59.99	13.90
29.00 to 29.99	9.80	60.00 to 185.99	14.00
30.00 to 30.99	10.00	186.00 to 199.99	1/ 2/
31.00 to 31.99	10.20	200.00 and over	2/

1/ Increase to 200.00

2/ No increase

SECTION 11. PAYMENTS LIMITED TO \$10,000

The total of all payments made in connection with programs for 1939 under Section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms and ranching units located in the State of Montana shall not exceed the sum of \$10,000. The total of all payments made in connection with programs for 1939 under Section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000.

All or any part of any payment which has been or otherwise would be made to any person under the 1939 Agricultural Conservation Program, including the Range Conservation Program, may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, or formation of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

SECTION 12. DEDUCTION FOR ASSOCIATION EXPENSES

There shall be deducted pro rata from the payments with respect to any ranching unit all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the ranching unit is located.

SECTION 13. ASSIGNMENTS

Any person who may be entitled to any payment in connection with the 1939 Meagher County, Montana, Range Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1939. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69 in accordance with instructions (ACP-70) issued by the Agricultural Adjustment Administration.

Nothing contained in this Section 13 shall be construed to give an assignee a right to any payment other than that to which the ranch operator is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the ranch operator without regard to the existence of any such assignment.

SECTION 14. ESTABLISHMENT OF GRAZING CAPACITIES

There shall be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received on or before a date established by the Regional Director as afford-

ing reasonable opportunity for the filing of such applications. In determining grazing capacity, consideration shall be given to the following: (a) composition, palatability, and density of forage growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) presence or absence of rodents and poisonous plant infestations; and (f) number and classes of livestock previously carried. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit established by the Agricultural Adjustment Administration on the basis of available statistics.

SECTION 15. APPEALS

Any person may within 15 days after notice thereof is forwarded to or available to him request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters affecting any ranching unit in which he has an interest: (a) eligibility to file an application for payment, (b) grazing capacity established for the range land in such ranching unit, or (c) any other matter affecting the right to or the amount of his payment with respect to the ranching unit. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee he may, within 15 days after such decision is forwarded to or made available to him, request the Regional Director to review the decision of the State committee.

SECTION 16. STATE AND REGIONAL BULLETINS, INSTRUCTIONS AND FORMS

The Agricultural Adjustment Administration is hereby authorized to make such determinations and to prepare and issue such State and regional bulletins, instructions, and forms as may be required pursuant to the provisions hereof in administering the 1939 Meagher County, Montana, Range Conservation Program.

[SEAL]

Done at Washington, D. C., this
2nd day of June, 1939. Witness
my hand and the seal of the De-
partment of Agriculture.

/s/ H. A. WALLACE

Secretary of Agriculture.